

ESTTA Tracking number: **ESTTA313749**

Filing date: **10/27/2009**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Geoffrey LLC
Granted to Date of previous extension	10/28/2009
Address	One Geoffrey Way Wayne, NJ 07470 UNITED STATES
Attorney information	Elizabeth Goldberg Bryan Cave LLP 1290 Avenue of the Americas New York, NY 10104 UNITED STATES ejgoldberg@bryancave.com

Applicant Information

Application No	77683840	Publication date	06/30/2009
Opposition Filing Date	10/27/2009	Opposition Period Ends	10/28/2009
Applicants	Taneeka Bourgeois daSilva PO BOX 207 Harbor City, CA 90710 UNITED STATES da Silva, Christopher PO BOX 207 Harbor City, CA 90710 UNITED STATES		

Goods/Services Affected by Opposition


Class 041. First Use: 2009/01/01 First Use In Commerce: 2009/01/01
All goods and services in the class are opposed, namely: Conducting after-school tutoring programs; Education services, namely, providing classes, seminars, workshops, tutoring, and mentoring in the field of middle and high school reform

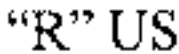
Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

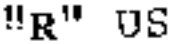
Marks Cited by Opposer as Basis for Opposition


U.S. Registration	902125	Application Date	03/19/1969
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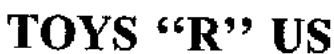
No.			
Registration Date	11/10/1970	Foreign Priority Date	NONE
Word Mark	TOYS "R" US		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class U022 (International Class 028). First use: First Use: 1960/00/00 First Use In Commerce: 1960/00/00 GENERAL LINE OF CHILDREN'S TOYS AND TOY NOVELTIES		

U.S. Registration No.	2442370	Application Date	12/20/1999
Registration Date	04/10/2001	Foreign Priority Date	NONE
Word Mark	R US		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 1999/10/00 First Use In Commerce: 1999/10/00 Gift cards		


U.S. Registration No.	2282394	Application Date	08/08/1996
Registration Date	10/05/1999	Foreign Priority Date	NONE
Word Mark	"R" US		


Design Mark	
Description of Mark	NONE
Goods/Services	Class 035. First use: First Use: 1960/00/00 First Use In Commerce: 1960/00/00 retail department store services

U.S. Registration No.	1215353	Application Date	12/17/1980
Registration Date	11/02/1982	Foreign Priority Date	NONE
Word Mark	TOYS "R" US		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1960/00/00 First Use In Commerce: 1960/00/00 Retail Department Store Services		

U.S. Registration No.	2364201	Application Date	03/18/1999
Registration Date	07/04/2000	Foreign Priority Date	NONE
Word Mark	TOYS "R" US		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 1960/00/00 First Use In Commerce: 1960/00/00 Retail department store services		

U.S. Registration	2362269	Application Date	08/26/1999
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No.			
Registration Date	06/27/2000	Foreign Priority Date	NONE
Word Mark	TOYS "R" US		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 1999/07/00 First Use In Commerce: 1999/07/00 Retail department store services		

U.S. Registration No.	2364575	Application Date	08/26/1999
Registration Date	07/04/2000	Foreign Priority Date	NONE
Word Mark	TOYS R US		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 1999/06/00 First Use In Commerce: 1999/06/00 Retail department store services		


U.S. Registration No.	2271828	Application Date	03/17/1998
Registration Date	08/24/1999	Foreign Priority Date	NONE
Word Mark	TOYS "R" US		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 1994/01/00 First Use In Commerce: 1994/01/00 educational services, namely, conducting seminars in the field of toy safety		

U.S. Registration No.	2063369	Application Date	06/27/1996
Registration Date	05/20/1997	Foreign Priority Date	NONE
Word Mark	TOYS "R" US		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 1995/09/00 First Use In Commerce: 1995/09/00 credit card services		

U.S. Registration No.	2046673	Application Date	11/13/1995
Registration Date	03/18/1997	Foreign Priority Date	NONE
Word Mark	BABIES "R" US		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1996/04/30 First Use In Commerce: 1996/04/30 retail department store services		

U.S. Registration No.	2494425	Application Date	11/09/2000
Registration Date	10/02/2001	Foreign Priority Date	NONE
Word Mark	BABIES "R" US		
Design Mark	<p style="text-align: center;">BABIES “R” US</p>		
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 1996/05/03 First Use In Commerce: 1996/05/03 Gift registry services		

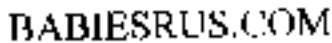
U.S. Registration No.	3065294	Application Date	08/25/2004
Registration Date	03/07/2006	Foreign Priority Date	NONE
Word Mark	BIRTHDAYS "R" US		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 041. First use: First Use: 2004/08/18 First Use In Commerce: 2004/08/18 Birthday party planning

U.S. Registration No.	2981142	Application Date	06/09/2004
Registration Date	08/02/2005	Foreign Priority Date	NONE
Word Mark	SPORTS "R" US		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2003/09/16 First Use In Commerce: 2003/09/16 ON-LINE RETAIL STORE SERVICES FEATURING SPORTING GOODS, INFLATABLE POOLS, GAMES, TELESCOPES, APPAREL, WATCHES AND ACCESSORIES THEREFORE AND RETAIL DEPARTMENT STORE SERVICES		

U.S. Registration No.	2797686	Application Date	12/17/2002
Registration Date	12/23/2003	Foreign Priority Date	NONE
Word Mark	TOYS "R" US		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 1992/00/00 First Use In Commerce: 1992/00/00 Charitable fund raising and charitable grantmaking services		

U.S. Registration No.	3003574	Application Date	07/09/2003
Registration Date	10/04/2005	Foreign Priority Date	NONE
Word Mark	TOYS "R" US TOY BOX		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2001/08/09 First Use In Commerce: 2001/08/09 Retail store services in a section of a food store featuring a variety of consumer goods, namely, toys, games, sporting goods, arts and crafts goods, costumes, baskets, kites, musical toys, inflatable pools and bicycles		

U.S. Registration No.	2691300	Application Date	08/10/1999
Registration Date	02/25/2003	Foreign Priority Date	NONE
Word Mark	BABIESRUS.COM		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2000/06/27 First Use In Commerce: 2000/06/27 on-line retail store and retail store services featuring products ranging from books, cassettes, videos, tape recorders, monitors, humidifiers, vaporizers, laundry detergent, food, utensils and accessories, diapers, medicine, skin and hair care products, bedding, gates, safety night lights, rear view mirror attachments, car seats, strollers, furniture, clothing and toys, and an on-line gift registry and information resources		


U.S. Registration No.	2813374	Application Date	07/27/2000
Registration Date	02/10/2004	Foreign Priority Date	NONE
Word Mark	SPORTSRUS.COM		

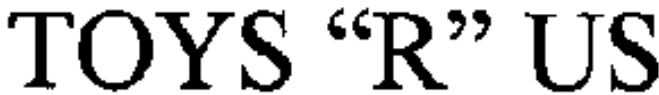
Design Mark	SPORTSRUS.COM
Description of Mark	NONE
Goods/Services	Class 035. First use: First Use: 2003/09/16 First Use In Commerce: 2003/09/16 On-line retailing in the field of sporting goods

U.S. Registration No.	2370396	Application Date	02/11/1999
Registration Date	07/25/2000	Foreign Priority Date	NONE
Word Mark	TOYSRUS.COM		
Design Mark	TOYSRUS.COM		
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 1996/12/14 First Use In Commerce: 1996/12/14 ON-LINE RETAIL DEPARTMENT STORE SERVICES		

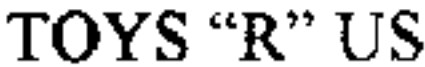
U.S. Registration No.	3247578	Application Date	08/03/2006
Registration Date	05/29/2007	Foreign Priority Date	NONE
Word Mark	BECAUSE WHEN IT'S TIME TO GIVE BABY THE WORLD . . . IT'S TIME FOR BABIES "R" US		
Design Mark	BECAUSE WHEN IT'S TIME TO GIVE BABY THE WORLD IT'S TIME FOR BABIES "R" US		
Description of	NONE		

Mark	
Goods/Services	Class 035. First use: First Use: 2006/07/15 First Use In Commerce: 2006/07/15 retail store and on-line retail store services featuring baby and children products, namely, furniture, clothing, toys, baby safety items, books, cassettes, videos, CDs, DVDs, computer and video games, home and car electronics, baby monitors, humidifiers, vaporizers, laundry detergent, baby food and formula, utensils and accessories, diapers, medicine, skin and hair care products, bedding, gates, safety night lights, rear view mirror attachments, car seats, high chairs, step stools, booster seats, carriages and stroller; gift registry services

U.S. Registration No.	2970366	Application Date	04/05/2004
Registration Date	07/19/2005	Foreign Priority Date	NONE
Word Mark	GEOFFREY'S TOYS "R" US		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2003/08/00 First Use In Commerce: 2003/08/00 RETAIL DEPARTMENT STORE SERVICES		

U.S. Registration No.	2758567	Application Date	09/27/2002
Registration Date	09/02/2003	Foreign Priority Date	NONE
Word Mark	TOYS "R" US		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 039. First use: First Use: 1963/00/00 First Use In Commerce: 1963/00/00 Truck hauling		


U.S. Registration No.	2446213	Application Date	03/06/2000
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Registration Date	04/24/2001	Foreign Priority Date	NONE
Word Mark	TOYS "R" US		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1996/09/00 First Use In Commerce: 1996/09/00 35mm flash cameras containing film		

U.S. Registration No.	2988090	Application Date	07/18/2003
Registration Date	08/23/2005	Foreign Priority Date	NONE
Word Mark	"R" ROOM		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2003/05/01 First Use In Commerce: 2003/05/01 RETAIL DEPARTMENT STORE SERVICES		


U.S. Registration No.	2886286	Application Date	01/20/2003
Registration Date	09/21/2004	Foreign Priority Date	NONE
Word Mark	R ZONE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 1998/00/00 First Use In Commerce: 1998/00/00 Retail department store services and on-line retail department store services and on-line department store services excluding retail auto parts store services		

U.S. Registration No.	2715408	Application Date	03/18/2002
Registration Date	05/13/2003	Foreign Priority Date	NONE
Word Mark	"R"		


Design Mark	
Description of Mark	NONE
Goods/Services	Class 035. First use: First Use: 2001/10/10 First Use In Commerce: 2001/10/10 Retail department store services and on-line retail department store services

U.S. Registration No.	2794853	Application Date	12/16/2002
Registration Date	12/16/2003	Foreign Priority Date	NONE
Word Mark	"R"		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2001/11/18 First Use In Commerce: 2001/11/18 Entertainment services, namely ferris wheel rides		

U.S. Registration No.	2469154	Application Date	12/20/1999
Registration Date	07/17/2001	Foreign Priority Date	NONE
Word Mark	R		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 035. First use: First Use: 1984/00/00 First Use In Commerce: 1984/00/00 Retail department store services

U.S. Registration No.	2467339	Application Date	12/20/1999
Registration Date	07/10/2001	Foreign Priority Date	NONE
Word Mark	STICKERS "R" US		
Design Mark	STICKERS "R" US		
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1997/01/06 First Use In Commerce: 1997/01/06 Vending machines featuring stickers and tattoos		

U.S. Registration No.	1554613	Application Date	01/31/1989
Registration Date	09/05/1989	Foreign Priority Date	NONE
Word Mark	I'M A TOYS "R" US KID!		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 012. First use: First Use: 1983/05/23 First Use In Commerce: 1983/05/23 [TRICYCLES AND WAGONS]		

	<p>Class 016. First use: First Use: 1985/04/00 First Use In Commerce: 1985/04/00 [CRAYONS, DRAWING PADS, COLORING BOOKS]</p> <p>Class 025. First use: First Use: 1982/12/10 First Use In Commerce: 1982/12/10 [SWEATSHIRTS, T-SHIRTS, JOGGING SUITS AND SHORTS]</p> <p>Class 028. First use: First Use: 1985/08/26 First Use In Commerce: 1985/08/26 [DOLLS, STUFFED TOY ANIMALS, BALLS, BALLOONS AND TOY CYCLE FOR DOLLS]</p> <p>Class 036. First use: First Use: 1985/03/00 First Use In Commerce: 1985/03/00 CHARITABLE FUND RAISING SERVICES</p>
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U.S. Registration No.	2587410	Application Date	07/20/2000
Registration Date	07/02/2002	Foreign Priority Date	NONE
Word Mark	1-888-BABYRUS		
Design Mark	<p style="text-align: center;">1-888-BABYRUS</p>		
Description of Mark	NONE		
Goods/Services	<p>Class 035. First use: First Use: 1997/07/00 First Use In Commerce: 1997/07/00 Providing customer services and merchandising information for the goods of others by means of telephone information</p>		

U.S. Registration No.	2019153	Application Date	11/22/1995
Registration Date	11/26/1996	Foreign Priority Date	NONE
Word Mark	TOYS "R" US		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 042. First use: First Use: 1995/08/14 First Use In Commerce: 1995/08/14 on line retail store services featuring computer related products</p>		

Attachments	<p>72320104#TMSN.gif (1 page)(bytes)</p> <p>75876241#TMSN.gif (1 page)(bytes)</p> <p>75147288#TMSN.gif (1 page)(bytes)</p> <p>73290146#TMSN.gif (1 page)(bytes)</p> <p>75662997#TMSN.gif (1 page)(bytes)</p> <p>75786109#TMSN.gif (1 page)(bytes)</p> <p>75786110#TMSN.gif (1 page)(bytes)</p> <p>76162515#TMSN.gif (1 page)(bytes)</p> <p>78473401#TMSN.jpeg (1 page)(bytes)</p> <p>78432500#TMSN.jpeg (1 page)(bytes)</p> <p>75772393#TMSN.gif (1 page)(bytes)</p> <p>76097656#TMSN.gif (1 page)(bytes)</p> <p>75639021#TMSN.gif (1 page)(bytes)</p>
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/elizabeth goldberg/
Name	Elizabeth Goldberg
Date	10/27/2009

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

----- x
GEOFFREY, LLC,

Opposer,

Opposition No.
Application Serial No. 77/683,840
Mark: learnRus

v.

TANEEKA BOURGEOIS daSILVA and
CHRISTOPHER daSILVA,

Applicants.
----- x

NOTICE OF OPPOSITION

Geoffrey, LLC, a Delaware limited liability corporation, having its principal place of business located at One Geoffrey Way, Wayne, NJ 07470 (the “Opposer”), believes that it will be damaged by registration of the mark learnRus, shown in Application Serial No. 77/683,840, which was filed on March 5, 2009 by Taneeka Bourgeois daSilva and Christopher daSilva, with an address at P.O. Box 207, Harbor City, CA 90710 (the “Applicant”), and hereby opposes the same under the provisions of Section 13 of the Trademark Act of 1946 (15 U.S.C. §1063).

As grounds of opposition, it is alleged that:

1. The Applicant seeks to register the mark learnRus for “conducting after-school tutoring programs; education services, namely, providing classes, seminars, workshops, tutoring, and mentoring in the field of middle and high school reform” in International Class 41, as evidenced by the publication of said mark in the June 30, 2009 issue of the Official Gazette.

2. The Applicant filed the application for the mark learnRus on March 5, 2009 pursuant to Section 1(a) of the Lanham Act, 15 U.S.C. 1051.

3. The U.S. Patent and Trademark Office (“USPTO”) assigned U.S. Trademark Application Serial No. 77/683,840 to the application for the mark learnRus on March 5, 2009.

4. The Applicant claimed a date of first use and first use in commerce of the mark learnRus in U.S. Trademark Application Serial No. 77/683,840 at least as early as January 1, 2009.

5. Since at least as early as 1960, Opposer, through its predecessors and related companies, has been and continues to be engaged in the marketing and sale of various baby and children’s products, including but not limited to, toys, games, baby products, furniture and audio and visual products and the rendering of retail store services for these goods in interstate commerce under the marks TOYS “R” US, BABIES “R” US, “R” US, “R” and “Я”, both with and without quotation marks, alone and with other terms.

6. As a result of Opposer’s long and extensive promotion, marketing and use of various TOYS “R” US, “R” US, “R” and “Я” marks, both with and without quotation marks, including the advertising and promotion of third party products sold by Opposer, Opposer has established and owns a family of R US marks (hereinafter, the “Family of R US Marks”).

7. Opposer is the owner of United States Service Mark Registration No. 2,282,394 for the mark “R” US for retail department store services. Said Federal Registration, dated October 5, 1999, is valid and subsisting and is now incontestable in accordance with Section 33(b) of the Trademark Act, 15 U.S.C. § 1115(b).

8. Opposer is the owner of United States Trademark Registration No. 2,442,370 for the mark R US for gift cards. Said Federal Registration, dated April 10, 2001, is valid and subsisting and is now incontestable in accordance with Section 33(b) of the Trademark Act, 15 U.S.C. § 1115(b).

9. Opposer is the owner of United States Trademark Registration No. 902,125 for the mark TOYS “R” US for a general line of children’s toys and toy novelties. Said Federal Registration,

dated November 10, 1970, is valid and subsisting and is now incontestable in accordance with Section 33(b) of the Trademark Act, 15 U.S.C. § 1115(b).

10. Opposer is the owner of United States Service Mark Registration No. 1,215,353 for the mark TOYS “R” US for retail department store services. Said Federal Registration, dated November 2, 1982, is valid and subsisting and is now incontestable in accordance with Section 33(b) of the Trademark Act, 15 U.S.C. § 1115(b).

11. Opposer is the owner of United States Service Mark Registration No. 2,364,201 for the mark TOYS “R” US for retail department store services. Said Federal Registration, dated July 4, 2000, is valid and subsisting and is now incontestable in accordance with Section 33(b) of the Trademark Act, 15 U.S.C. § 1115(b).

12. Opposer is the owner of United States Service Mark Registration No. 2,362,269 for the mark TOYS “R” US & STAR DESIGN for retail department store services. Said Federal Registration, dated June 27, 2000, is valid and subsisting and is now incontestable in accordance with Section 33(b) of the Trademark Act, 15 U.S.C. § 1115(b).

13. Opposer is the owner of United States Service Mark Registration No. 2,364,575 for the mark TOYS “R” US & STAR DESIGN for retail department store services. Said Federal Registration, dated July 4, 2000, is valid and subsisting and is now incontestable in accordance with Section 33(b) of the Trademark Act, 15 U.S.C. § 1115(b).

14. Opposer is the owner of United States Services Mark Registration No. 2,271,828 for the mark TOYS “R” US for educational services, namely, conducting seminars in the field of toy safety. Said Federal Registration, dated August 24, 1999, is valid and subsisting and is now incontestable in accordance with Section 33(b) of the Trademark Act, 15 U.S.C. § 1115(b).

15. Opposer is the owner of United States Service Mark Registration No. 2,063,369 for the mark TOYS “R” US for credit card services. Said Federal Registration, dated May 20, 1997, is

valid and subsisting and is now incontestable in accordance with Section 33(b) of the Trademark Act, 15 U.S.C. § 1115(b).

16. Opposer is the owner of United States Trademark Registration No. 2,046,673 for the mark BABIES “R” US for retail department store services. Said Federal Registration, dated March 18, 1997, is valid and subsisting and is now incontestable in accordance with the Section 33(b) the Trademark Act, 15 U.S.C. § 1115(b).

17. Opposer is the owner of United States Trademark Registration No. 2,494,425 for the mark BABIES “R” US for gift registry services. Said Federal Registration, dated October 1, 2001, is valid and subsisting and is now incontestable in accordance with Section 33(b) of the Trademark Act, 15 U.S.C. § 1115(b).

18. Opposer is the owner of United States Service Mark Registration No. 3,065,294 for the mark BIRTHDAYS “R” US for birthday party planning. Said Federal Registration, dated March 7, 2006, is valid and subsisting.

19. Opposer is the owner of United States Service Mark Registration No. 2,981,142 for the mark SPORTS “R” US for on-line retail store services featuring sporting goods, inflatable pools, games, telescopes, apparel, watches and accessories therefore and retail department store services. Said Federal Registration, dated August 2, 2005, is valid and subsisting.

20. Opposer is the owner of United States Service Mark Registration No. 2,019,153 for the mark TOYS “R” US for on-line retail store services featuring computer related products. Said Federal Registration, dated November 26, 1996, is valid and subsisting and is now incontestable in accordance with Section 33(b) of the Trademark Act, 15 U.S.C. § 1115(b).

21. Opposer is the owner of United States Service Mark Registration No. 2,797,686 for the mark TOYS “R” US for charitable fund raising and charitable grantmaking services. Said Federal Registration, dated December 23, 2003, is valid and subsisting.

22. Opposer is the owner of United States Trademark Registration No. 3,003,574 for the mark TOYS “R” US TOY BOX for retail store services in a section of a food store featuring a variety of consumer goods, namely, toys, games, sporting goods, arts and crafts goods, costumes, baskets, kites, musical toys, inflatable pools and bicycles. Said Federal Registration, dated October 4, 2005, is valid and subsisting.

23. Opposer is the owner of United States Trademark Registration No. 2,691,300 for the mark BABIESRUS.COM for on-line retail store and retail store services featuring products ranging from books, cassettes, videos, tape recorders, monitors, humidifiers, vaporizers, laundry detergent, food, utensils and accessories, diapers, medicine, skin and hair care products, bedding, gates, safety night lights, rear view mirror attachments, car seats, strollers, furniture, clothing and toys, and an on-line gift registry and information resources. Said Federal Registration, dated February 25, 2003, is valid and subsisting, and is now incontestable in accordance with Section 33(b) of the Trademark Act, 15 U.S.C. § 1115(b).

24. Opposer is the owner of United States Trademark Registration No. 2,813,374 for the mark SPORTSRUS.COM for on-line retailing in the field of sporting goods department store services. Said Federal Registration, dated February 10, 2004, is valid and subsisting.

25. Opposer is the owner of United States Trademark Registration No. 2,370,396 for the mark TOYSRUS.COM for on-line retail department store services. Said Federal Registration, dated July 25, 2000, is valid and subsisting and is now incontestable in accordance with Section 33(b) of the Trademark Act, 15 U.S.C. § 1115(b).

26. Opposer is the owner of United States Service Mark Registration No. 3,247,578 for the mark BECAUSE WHEN IT’S TIME TO GIVE BABY THE WORLD . . . IT’S TIME FOR BABIES “R” US for retail store and on-line retail store services featuring baby and children products, namely, furniture, clothing, toys, baby safety items, books, cassettes, videos, CDs, DVDs,

computer and video games, home and car electronics, baby monitors, humidifiers, vaporizers, laundry detergent, baby food and formula, utensils and accessories, diapers, medicine, skin and hair care products, bedding, gates, safety night lights, rear view mirror attachments, car seats, high chairs, step stools, booster seats, carriages and stroller; gift registry services. Said Federal Registration, dated May 29, 2007, is valid and subsisting.

27. Opposer is the owner of United States Service Mark Registration No. 2,970,366 for the mark GEOFFREY'S TOYS "R" US for retail department store services. Said Federal Registration, dated July 19, 2005, is valid and subsisting.

28. Opposer is the owner of United States Service Mark Registration No. 2,758,567 for the mark TOYS "R" US for truck hauling. Said Federal Registration, dated September 2, 2003, is valid and subsisting, and is now incontestable in accordance with Section 33(b) of the Trademark Act, 15 U.S.C. § 1115(b).

29. Opposer is the owner of United States Service Mark Registration No. 2,446,213 for the mark TOYS "R" US for 35mm flash cameras containing film. Said Federal Registration, dated April 24, 2001, is valid and subsisting and is now incontestable in accordance with Section 33(b) of the Trademark Act, 15 U.S.C. § 1115(b).

30. Opposer is the owner of United States Service Mark Registration No. 2,988,090 for the mark "R" ROOM for retail department store services. Said Federal Registration, dated August 23, 2005, is valid and subsisting.

31. Opposer is the owner of United States Service Mark Registration No. 2,886,286 for the mark R ZONE for retail department store services and on-line retail department store services and on-line department store services excluding retail auto parts store services. Said Federal Registration, dated September 21, 2004, is valid and subsisting.

32. Opposer is the owner of United States Service Mark Registration No. 2,715,408 for the mark “Я” & STAR DESIGN for retail department store services and on-line retail department store services. Said Federal Registration, dated May 13, 2003, is valid and subsisting. and is now incontestable in accordance with Section 33(b) of the Trademark Act, 15 U.S.C. § 1115(b).

33. Opposer is the owner of United States Service Mark Registration No. 2,794,853 for the mark “Я” & STAR DESIGN for entertainment services, namely ferris wheel rides. Said Federal Registration, dated December 16, 2003, is valid and subsisting.

34. Opposer is the owner of United States Service Mark Registration No. 2,469,154 for the mark “Я” for retail department store services. Said Federal Registration, dated July 17, 2001, is valid and subsisting and is now incontestable in accordance with Section 33(b) of the Trademark Act, 15 U.S.C. § 1115(b).

35. Opposer is the owner of numerous other United States Trademark and Service Mark Registrations, the dominant portion of which is the designation “R” US. Examples of these registrations are: Registration No. 2,467,339 for the mark STICKERS “R” US for vending machines featuring stickers and tattoos; Registration No. 1,554,613 for the mark I’M A TOYS “R” US KID! for charitable fund raising services; and Registration No. 2,587,410 for 1-888-BABYRUS for providing customer service and merchandising information over the telephone,. Each registration is valid and subsisting, and Registration Nos. 2,467,339 and 2,587,410 are now incontestable in accordance with Section 33(b) of the Trademark Act, 15 U.S.C. § 1115(b).

36. In addition to the aforesaid R US registered marks, Opposer owns the common law rights to a family of marks, the dominant portion of which are the designations “R,” “Я” and “R” US, with and without quotation marks. These marks include REWARDS “R” US, R EXCLUSIVE, SPECIAL MOMENTS R US and other R US marks that have been used in connection with the sale

of products and the rendering of services, including advertising and promotion of third party products sold or distributed by Opposer.

37. Geoffrey owns over seven hundred and fifty (750) domain names incorporating the term R US, including but not limited to <toysrus.com>; <babiesrus.com>; <ruscollection.com>; <russtores.com>; <partiesrus.com>, <r-us.org>, and <dollsrus.com>.

38. Opposer also uses TOYSRUS.COM and BABIESRUS.COM as marks and domain names in connection with the operation of web sites that provide on-line shopping and information services. All of the domain names listed immediately above link directly to the TOYSRUS.COM/BABIESRUS.COM web site. The web site is actively promoted to encourage potential Internet customers to visit the site and take advantage of its product and information offerings.

39. The wide variety of products and services promoted, sold, or offered for sale under Opposer's Family of R US Marks have been commercially promoted, sold, and rendered throughout the United States and internationally by Opposer with skill and care. Opposer has expended large sums of money to maintain the quality of the products and services through the careful selection and careful methods used in the commercial promotion and sale of its goods and services under Opposer's Family of R US Marks. As a result, the sales of goods and services under Opposer's Family of R US Marks have grown tremendously.

40. Opposer's Family of R US Marks has been, and is continuously being, applied to numerous and various products and services. Opposer uses these marks on labeling and/or packaging for products, as well as in extensive nationwide advertising and promotional campaigns for Opposer's products, services, and businesses.

41. By reason of the extensive advertising, promotion and sale of Opposer's family of R US products and services, and by virtue of the excellence of its products and services, Opposer's

Family of R US Marks have acquired, and now enjoy, fame, distinctiveness, and substantial secondary meaning signifying Opposer's products and services. Opposer now owns valuable goodwill that is symbolized by Opposer's Family of R US Marks.

42. Opposer has used and is now using Opposer's Family of R US Marks in commerce on or in connection with the goods and services listed above. This use has been valid and continuous and has not been abandoned.

43. Opposer's Family of R US Marks, by virtue of Opposer's efforts in selling and distributing goods and services bearing such marks, and through Opposer's substantially exclusive and continuous use of such marks in commerce since 1960, has become distinctive of the goods and services listed above.

44. Applicant seeks to register the mark learnRus in International Class 41 for "conducting after-school tutoring programs; education services, namely, providing classes, seminars, workshops, tutoring, and mentoring in the field of middle and high school reform." There is no issue as to priority. Upon information and belief, Applicant has not made any use in interstate commerce or commerce with the United States of the mark learnRus in connection with the services identified in U.S. Application Serial No. 77/683,840 prior to January 1, 2009, which date is long after Opposer's date of first use in commerce of the mark TOYS "R" US and Family of "R" US marks

45. Applicant's mark learnRus is confusingly similar in sound, appearance and/or meaning to Opposer's Family of R US Marks because the dominant portion of the mark incorporates Opposer's famous R US designation.

46. Opposer uses the R US designation in connection with (i) various goods and services, including learning and educationally based games, toys, books and dvds for children of all ages; (ii) the provision of educational material related to children, parenting and special needs; (iii) substantial charitable giving focused on children, such as the millions of dollars contributed annually

by the Toys “R” Us Children’s Fund, founded in 1992, to qualified organizations focused on children; and (iv) programs entered into with child-focused charitable organizations such as Save the Children, Autism Speaks, Safe Kids and the Home Safety Council, all of which include an educational component.

47. Upon information and belief, Applicant intends to offer services in whole or in part within the same channels of trade and to the same class of purchasers as Opposer.

48. Opposer believes and alleges that when Applicant uses learnRus in connection with the services identified in Application Serial No. 77/683,840, consumers are likely to believe that the services originate with Opposer.

49. Applicant’s use and registration of the mark learnRus for the services identified in Application Serial No. 77/683,840 will enable Applicant to trade upon and utilize the goodwill established by Opposer in its Family of R US Marks.

50. Opposer believes and alleges that Applicant’s mark when used on or in connection with the services identified in Application Serial No. 77/683,840 is likely to cause confusion or mistake or to deceive and will deceive and mislead the public and/or potential clients into believing that Applicant is licensed or controlled by Opposer or that Applicant is in some way related to or affiliated with Opposer.

51. If the Applicant is permitted to use and register its mark for its services, as specified in the application herein opposed, confusion in trade resulting in damage and injury to the Opposer would be caused and would result by reason of the similarity between the Applicant’s mark and the Opposer’s mark. Persons familiar with Opposer’s marks would be likely to purchase or make use of Applicant’s services thinking such services are related to Opposer’s goods and services. Any such confusion in trade inevitably would result in loss of sales and business opportunities under the mistaken belief that such goods and services are offered by or connected with Opposer.

Furthermore, any defect, objection or fault found with Applicant's services marketed and performed under its mark learnRus would necessarily reflect upon and seriously injure the reputation that the Opposer has established for its products and services merchandised, sold and distributed under its Family of R US Marks.

52. If the Applicant is granted the registration herein opposed, it would thereby obtain at least a *prima facie* exclusive right to the use of its mark. Such registration would be a source of damage and injury to the Opposer, as well as confusion in the relevant marketplace.

53. In view of the similarity in overall commercial impression of the respective marks, the related nature of the goods and services of the respective parties, and Opposer's priority as to use of the mark, Opposer alleges that Applicant's mark learnRus so resembles Opposer's Family of R US Marks as to be likely to cause confusion, or mistake, or to deceive under Trademark Act Sections 2(d) and 43(a), 15 U.S.C. Sections 1052(d) and 1125(a), and will cause damage to Opposer and its goodwill represented by its prior-used marks.

54. In addition, Opposer's rights and fame in its Family of R US Marks, including those based on its extensive use, registrations and public recognition, were established long before Applicant filed the application for learnRus. Thus, granting registration to Applicant would diminish and dilute the distinctive quality of Opposer's rights in its family of famous R US marks in violation of Trademark Act Section 43(c), 15 U.S.C. Section 1125(c), and could also, in the event of any mishaps involving, or poor quality of, the services offered by Applicant, tarnish such distinctiveness.

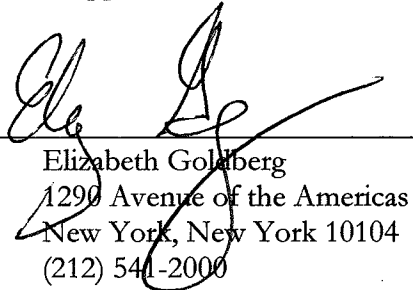
WHEREFORE, the Opposer prays that the application Serial No. 77/683,840 be rejected, that the mark therein sought for the services therein specified in International Classes 41 be denied and refused and that this opposition be sustained in favor of Opposer.

Opposer encloses the required filing fee of \$300 herewith.

Respectfully submitted,

BRYAN CAVE LLP
Attorneys for Opposer

By: _____


Elizabeth Goldberg
1290 Avenue of the Americas
New York, New York 10104
(212) 541-2000

Date: October 27, 2009

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

Elizabeth J. Goldberg, being duly sworn, deposes and says:

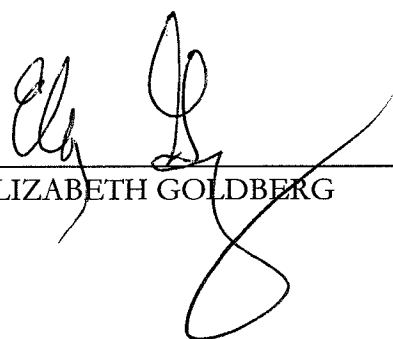
1. I am over 18 years of age, not a party to this action, and reside in Brooklyn, New York.

2. On October 27, 2009, I served the foregoing **NOTICE OF OPPOSITION** by placing a true copy of same in a first class postage-prepaid envelope and depositing same in an official depository under the exclusive custody and care of the United States Postal Service within New York State upon:

Taneeka Boureois daSilva and Christopher daSilva

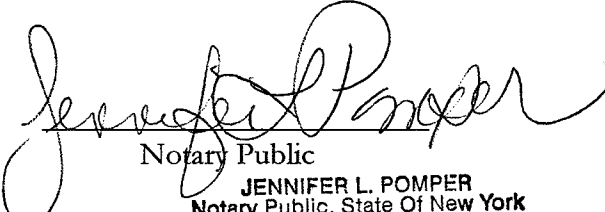
P.O. Box. 207

Harbor City, CA 90710



ELIZABETH GOLDBERG

Sworn to before me this 27th
day of October, 2009.



Notary Public

JENNIFER L. POMPER
Notary Public, State Of New York
No. 01PO5061963
Qualified In Suffolk County
Certificate Filed In New York County
Commission Expires June 17, 2010